

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

OWL SHIPPING LLC	§	
Plaintiff	§	
	§	
VS.	§	C.A. NO. 3:14-cv-00270
	§	Admiralty - Rule 9(h)
DALIAN SUNTIME INTERNATIONAL	§	
TRANSPORTATION CO., LTD. A/K/A	§	
DALIAN SUNTIME INT'L	§	
TRANSPORTATION CO. LTD. A/K/A	§	
DALIAN SUNTIME INTERNATIONAL	§	
TRANSPORTATION COMPANY, LTD.	§	
A/K/A DALIAN SUNTIME	§	
INTERNATIONAL TRANSPORTATION	§	
COMPANY LIMITED	§	
Defendants	§	

**INTER MERCHANT MARINE CO. LTD.'S UNOPPOSED
MOTION FOR LEAVE TO INTERVENE**

TO THE HONORABLE EWING WERLEIN, JR.:

COMES NOW prospective Plaintiff in Intervention, Inter Merchant Marine Co. Ltd. (“IMMCL”), pursuant to Rule 24(a) of the Federal Rules of Civil Procedure, moving to intervene as a Plaintiff into this lawsuit filed against Dalian Suntime International Transportation Co. Ltd. (“Dalian”), and respectfully would show:

1. IMMCL entered into a time charter party with Dalian on June 18, 2014, for the M/V INTER PRIDE.¹ Clause 18 of the time charter gives IMMCL a lien “upon all cargoes, and all sub-freights/sub-hires for any amounts due under this Charter....” Dalian is in material breach of the time charter by failing to pay hire and by otherwise failing to complete its obligations under the charter party. Currently, IMMCL claims that Dalian owes it the sum of \$1,408,940.34.

¹ See Ex. 1 to Ex. A attached, clause 18.

2. Due to Dalian's material breaches of the time charter, including its failure to pay hire, IMMCL has had to take over the voyage on an involuntary basis, as mandated by law. *See Cardinal Shipping Corp. v. M/S SEISHO MARU*, 744 F.2d 461, 468 (5th Cir. 1984). This legal requirement has placed IMMCL in the incredibly difficult, and financially uncomfortable position of potentially having to incur additional significant expense on a voyage where the owner has already lost millions, and for which there is no remuneration forthcoming from Dalian.²

3. The current claimants in the lawsuit seek to attach the personal property of Dalian located in the district. IMMCL believes that the personal property being sought, at least in part, is freights and/or sub-freights upon which IMMCL has a lien, and thus a priority position over the attaching creditors. IMMCL has provided lien notices to all of the cargo interests to perfect its lien on sub-freights.

4. As the holder of a maritime lien, IMMCL seeks to intervene to protect its rights as a lien holder. Under the circumstances, IMMCL is so situated that the disposition of this action will impair or impede its ability to protect its rights and interests. No other party represents IMMCL's interests, and the other claimants have or may have contrary interests.

5. IMMCL's Verified Complaint in Intervention is attached as Exhibit A.

6. This motion is unopposed.

² Note well that IMMCL may have to seek relief from this Court in the form of a declaratory judgment or otherwise about the various costs and obligations required to get the cargoes on the ship discharged, and what entity should be responsible for what. IMMCL is trying to work this out with the Cargo interests on a voluntary basis. If the issue cannot be worked out voluntarily, then IMMCL intends to seek relief from this Court.

WHEREFORE, PREMISES CONSIDERED, prospective Plaintiff in Intervention Inter Merchant Marine Co. Ltd. respectfully requests that this Court grant its unopposed motion for leave to intervene, and for such other relief to which it may be entitled.

Respectfully submitted,

By: /s/ Richard L. Gorman

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OF COUNSEL:

RICHARD GORMAN LAW

CERTIFICATE OF CONFERENCE

I certify that I exchanged email with all counsel of record and this motion is unopposed.

/s/ Richard L. Gorman
Of Richard Gorman Law

CERTIFICATE OF SERVICE

I certify that on the 2nd day of October, 2014, a true and correct copy of this filing served on all counsel of record by notice of electronic filing and email.

/s/ Richard L. Gorman
Of Richard Gorman Law

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